

We have several main HIPAA e-news items below:

CMS Info: HCPCS Codes, Modification Process & Privacy

WEDI's DRAFT Extension Plan Info

SNIP Report - testing, resource levels and issues

As always: Please be sure to note that in some cases the information presented may be the opinion of the original author. We need to be sure to view it in the context of our own organizations and environment. In some cases you may need legal opinions and/or decision documentation when interpreting the rules.

My thanks to all the folks who have shared information for this e-news.

Have a great day!!!

Ken

Interesting topics below:

CMS Info: HCPCS Codes, Modification Process & Privacy

WEDI's DRAFT Extension Plan Info

[hipaalive] TCS: Country Code

HIPAA Implementation Newsletter -- Issue #29 - March 8, 2002 see ATTACHMENT

SNIP Report - testing, resource levels and issues

[hipaalive] PRIVACY/SECURITY

[hipaalive] Policies and Procedures

[hipaalive] Paper Claims

[hipaalive] minimum necessary rule

[hipaalive] SECURITY: PDA's

\*\*\*\*\* CMS Info: HCPCS Codes, Modification Process & Privacy \*\*\*\*\*

CMS's process to modify HCPCS is given at :

<http://www.hcfa.gov/medicare/03INFOPKtweb.rtf>

Some have assumed this is a State process to establish these codes, but it is a Federal CMS process to establish these codes. The CMS process is very interesting to read. Several key points are that requests for HCPCS codes to be used in 2003 will have decisions announced in November 2002, after requested being submitted by April 1, 2002. Approval of the requested changes must be unanimous among the 3 Panel members.

The main CMS, Healthcare Common Procedure Coding System (HCPCS) site contains information related to the Healthcare Common Procedure Coding System (HCPCS). This is located at:

<http://www.hcfa.gov/medicare/hcpcs.htm>

The Federal DHHS's Office of Civil Rights has a very informative Website at:

<http://www.hhs.gov/ocr/hipaa/> Among some of the information is:

National Standards to Protect the Privacy of Personal Health Information  
What's New | Background and General Information | Final Privacy  
Regulation | Technical Assistance  
News 2001 | News 2000 | Other Relevant Sites

Technical Assistance (Check the Web site periodically for future guidance.)  
Guidance/Q&As, 7/6/01: Entire Document\* ( WordPerfect=1M | HTML ) or  
by Section:

General Overview ( WordPerfect | HTML )  
Consent\* ( WordPerfect | HTML )  
Minimum Necessary ( WordPerfect | HTML )  
Oral Communications ( WordPerfect | HTML )  
Business Associates ( WordPerfect | HTML )  
Parents and Minors ( WordPerfect | HTML )  
Health-Related Communications and Marketing (WordPerfect | HTML )  
Research ( WordPerfect | HTML )  
Restrictions on Government Access to Health Information (WordPerfect |  
HTML )  
Payment ( WordPerfect | HTML )  
\*Revised 1/14/02

Protecting the Privacy of Patients' Health Information, HHS Fact Sheet,  
7/6/01 ( HTML | Word )

Also, NCVHS Reports and Recommendations can be found at  
<http://www.ncvhs.hhs.gov/reptrecs.htm> Many may find these reports very  
interesting. The National Committee on Vital and Health Statistics (NCVHS)  
advises the Secretary on implementation of the Administrative Simplification  
provisions of HIPAA.

\*\*\*\*\* WEDI's DRAFT Extension Plan Info  
\*\*\*\*\*

WEDI, at [www.wedi.org/public/articles/details.cfm?id=681](http://www.wedi.org/public/articles/details.cfm?id=681) has the following  
DRAFT documents available:

Draft Copy of HIPAA Model Compliance Extension Form for Transactions &  
Code Sets available for viewing.

Electronic Transactions and Code Sets Compliance Extension Form  
Discussion Document  
Electronic Transactions and Code Sets Compliance Extension Plan

THESE ARE DRAFT DOCUMENTS ONLY!!!!!!

\*\*\*\*\* [hipaalive] TCS: Country Code  
\*\*\*\*\*

\*\*\* HIPAAlive! From Phoenix Health Systems/HIPAAAdvisory.com \*\*\*

Q. In populating the Country Code Table that will be used in the X12-837, can anyone tell me what the ANSI standard is for the Country Code and where that code set is available? When I search the ANSI site, the only code set I see that might apply is ISO 3166-1:1997.

A. The following link is to the ISO 3166 maintenance committee where this code list is maintained and published.

[http://www.din.de/gremien/nas/nabd/iso3166ma/codlstp1/en\\_listp1.html](http://www.din.de/gremien/nas/nabd/iso3166ma/codlstp1/en_listp1.html)

Gary Beatty  
President, EC Integrity  
Chair X12N Insurance Subcommittee  
Phone: 507-250-3574  
Fax: 209-797-8423  
Email: [gmb803@earthlink.net](mailto:gmb803@earthlink.net)

\*\*\*\*\* SNIP Report - testing, resource levels and issues \*\*\*\*\*

In an effort to get some info on testing I went back to the SNIP reports. I know it is 6 month old data but the text and the tables at the end of the document are interesting related to the magnitude of efforts and issues that the private sector are having related to implementing HIPAA. These are CMS's numbers so they might help folks with budget issues.

The address is: <http://snip.wedi.org/public/articles/Trans0615.pdf>

\*\*\*\*\* [hipaalive] PRIVACY/SECURITY \*\*\*\*\*

\*\*\* HIPAAlive! From Phoenix Health Systems/HIPAAAdvisory.com \*\*\*

The Security frequently asked questions seems to provide the clearest answer to who is currently a covered entity under the Proposed Security Standards. Whether this changes and aligns with the Transaction and Privacy definition of a Covered Entity we will have to wait and see.

<http://aspe.hhs.gov/admsimp/faqsec.htm>

6. Who must comply with the Security Standards?

Any health care provider, health care clearinghouse, or health plan who electronically maintains or transmits health information pertaining to an individual.

8. Do security requirements apply only to the transactions adopted under HIPAA?

No. The security standard applies to individual health information that is

maintained or transmitted. This is a much broader reach than the specific transactions defined in the law. The electronic signature standard applies only to the transactions adopted under HIPAA.

- Tom  
CSC Consulting  
275 Second Avenue  
Waltham, MA 02451-1122

\*\*\*\*\* [hipaalive] Policies and Procedures

\*\*\*\*\*

\*\*\* HIPAALive! From Phoenix Health Systems/HIPAAAdvisory.com \*\*\*

The AMA web site has free model authorization forms, consent form, and notice of privacy practices that I think are very good. If you are a physician you can use but others are instructed to request permission per the web site info.

\*\*\*\*\* [hipaalive] Paper Claims

\*\*\*\*\*

\*\*\* HIPAALive! From Phoenix Health Systems/HIPAAAdvisory.com \*\*\*

If you refer to the HHS HIPAA website

<http://aspe.hhs.gov/admsimp/Index.htm>

you will find this information. Specifically, the recently released FAQ's on the Administrative Simplification Compliance Act (HR3323) addresses how a Medicare provider may be exempt from filing claims electronically:

Q21: Doesn't the law also require Medicare claims to be submitted electronically after October 2003?

A21: ASCA prohibits HHS from paying Medicare claims that are not submitted electronically after October 16, 2003, unless the Secretary grants a waiver from this requirement. It further provides that the Secretary must grant such a waiver if there is no method available for the submission of claims in electronic form or if the entity submitting the claim is a small provider of services or supplies. Beneficiaries will also be able to continue to file paper claims if they need to file a claim on their own behalf. The Secretary may grant such a waiver in other circumstances. We will publish proposed regulations to implement this new authority. (Note added by L.Gardner: Small providers in this instance are defined as follows: Physician, practitioner, facility or supplier with less than 10 FTEs or service providers with less than 25 FTEs.)

Leigh Gardner, PMP  
Manager, HIPAA Services  
Incepture

\*\*\*\*\* [hipaalive] minimum necessary rule  
\*\*\*\*\*

\*\*\* HIPAALive! From Phoenix Health Systems/HIPAAAdvisory.com \*\*\*

Please see §164.514(d)

(2) Implementation specifications: minimum necessary uses of protected health information.

(i) A covered entity must identify:

(A) Those persons or classes of persons, as appropriate, in its workforce who need access to protected health information to carry out their duties; and

(B) For each such person or class of persons, the category or categories of protected health information to which access is needed and any conditions appropriate to such access.

(ii) A covered entity must make reasonable efforts to limit the access of such persons or classes identified in paragraph (d)(2)(i)(A) of this section to protected health information consistent with paragraph (d)(2)(i)(B) of this section.

Kevin Johnston, RN  
Coordinator for Privacy & Security  
PeaceHealth Oregon Region

\*\*\* HIPAALive! From Phoenix Health Systems/HIPAAAdvisory.com \*\*\*

You're right. Use by a member of the workforce (ordained or otherwise) occurs within the covered entity, and is governed by the minimum necessary rule. Clergy would presumably have role-based access to a predefined data set as required under the privacy rule.

Disclosure to someone not a member of the workforce is subject to a host of rules, depending on who and why. In the case of non-workforce clergy, acting in their role as clergy, the patient directory rules apply. There may be occasions when a clergy person is acting as someone actively involved in a patient's care, or even as a personal representative, in which case other rules apply.

Bill

William A. MacBain  
Principal  
MacBain & MacBain, LLC-ond Avenue  
Waltham, MA 02451-

\*\*\*\*\* [hipaalive] SECURITY: PDA's  
\*\*\*\*\*

\*\*\* HIPAAlive! From Phoenix Health Systems/HIPAAAdvisory.com \*\*\*

Good Resource for PDA Security Info:

<[http://rr.sans.org/PDAs/PDAs\\_list.php](http://rr.sans.org/PDAs/PDAs_list.php)>

Thanks.

Brian Murphy, MCSE, MCSA, MCP+I, CCNA, CCA

Director, Network Services

Director, Privacy and Network Security